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09/920,588	08/01/2001	Juergen Wrede	10191/1899	5996

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EXAMINER
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ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
2155	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **RESPONSE TO AMENDMENT**

1. This communication is in response to the amendment filed on February 27, 2007.  
  
Claims 1, 2, and 13 have been amended.  
  
Claim 16 has been cancelled.  
  
Claims 1-15 and 17-20 are pending

#### **Continued Examination Under 37 CFR 1.114 1.**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 27, 2007 has been entered.

#### **The New Grounds of Rejection**

3. Applicant's amendment and arguments received on August 18, 2006 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

#### **Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the other of the user side". There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the other of the provider side". There is insufficient antecedent basis for this limitation in the claim.

Perhaps changing the claim language to "...predefined operating state on the other of the..." would overcome this rejection.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15 and 17-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brunemann et al, (Brunemann)** U.S. Paten No. **6,487,717** in view of **Suman et al, (Suman)** U.S. Patent No **5,717,387**

7. As to claims 1, 2, and 13, Brunemann teaches a method for transmitting data between a respective data processing unit on a provider side and a respective data processing unit on a user side, the respective data processing unit on the provider side and the respective data processing unit on the user side in each case being operatively

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connected to a respective transmitting/receiving device for at least one of wireless transmission and wireless reception of data (abstract.) transmitting data from the respective transmitting/receiving device of one of the user side and the provider side (see abstract). Brunemann teaches a memory location and database for storing of data received at both the user and provider side (see Fig. 2 and Fig. 3). However, Brunemann does not explicitly teach a buffer storage for storing the data. Brunemann does not explicitly teach loading the stored data into the processing unit of the user and provider side only during an existence of a predefined operating state.

Suman teaches a vehicle accessory control system that includes a receiver for receiving paging signals including a unique vehicle address and a reprogramming signal. The control system responds to the reprogramming signal by reprogramming a vehicle accessory control program used to determine how to specifically control a vehicle accessory. A microcontroller in the vehicle contains non-volatile memory storage for retaining data used in the reprogramming. Most of the reprogramming (for example the memory seats and mirrors) occurs while the vehicle is not moving (see abstract and Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Brunemann and Suman to use a memory storage (buffer) to store data received and then to load the data based on predefined operating state because it is faster and would reduce the processing time.

Brunemann does not explicitly teach wherein the predefinable operating state of the vehicle is when the vehicle is not moving.

Suman teaches a vehicle accessory control system that includes a receiver for receiving paging signals including a unique vehicle address and a reprogramming signal. The control system responds to the reprogramming signal by reprogramming a vehicle accessory control program used to determine how to specifically control a vehicle accessory. A microcontroller in the vehicle contains non-volatile memory storage for retaining data used in the reprogramming. Most of the reprogramming (for example the memory seats and mirrors) occurs while the vehicle is not moving (see abstract and Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Suman into the invention of Brunemann in order to use predefinable operating state of the vehicle (not moving) to load data into the processing unit. Being able to do the reprogramming (for example the memory seats and mirrors) while the vehicle is not moving is important to insure the safety of the user of the vehicle.

8. As to claims 3 and 14, Brunemann teaches the method as recited in claim 2, wherein the data is one of a program and software (col. 2, lines 33-41).

9. As to claims 4 and 15, Brunemann teaches the method as recited in claim 2 wherein the respective data processing unit on the provider side is a server (col. 4, lines 13-20).

10. As to claims 5, Brunemann teaches the method as recited in claim 2, wherein the respective data processing unit on the user side is a programmable control unit in a motor vehicle (col. 3, lines 57-66).

11. As to claims 6-7, Brunemann teaches a method for transmitting data between a respective data processing unit on a provider side and a respective data processing unit on a user side, the respective data processing unit on the provider side and the respective data processing unit on the user side in each case being operatively connected to a respective transmitting/receiving device for at least one of wireless transmission and wireless reception of data (abstract). Brunemann does not explicitly teach a predefinable operating state of the vehicle where it is at least one of i) the motor vehicle is stationary, ii) a parking brake is set, iii) an ignition is switched off, iv) a driving switch is turned off, and v) an ignition key is withdrawn.

Suman teaches a vehicle accessory control system that includes a receiver for receiving paging signals including a unique vehicle address and a reprogramming signal. The control system responds to the reprogramming signal by reprogramming a vehicle accessory control program used to determine how to specifically control a vehicle accessory. A microcontroller in the vehicle contains non-volatile memory storage for retaining data used in the reprogramming. Most of the reprogramming (for example the memory seats and mirrors) occurs while the vehicle is not moving (see abstract and Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Suman into the invention of Brunemann in order to use predefinable operating state of the vehicle (not moving) to load data into the processing unit. Being able to do the reprogramming (for example the

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memory seats and mirrors) while the vehicle is not moving is important to insure the safety of the user of the vehicle.

12. As to claims 9, 10, and 18, it contains similar limitations as in claim 1; therefore it is rejected under the same rationale.

13. As to claims 11 and 19, Brunemann teaches the method as recited in 9, wherein the central vehicle computer is connected via a bi-directional data bus to at least one data processing unit on the user side (col. 5, lines 36-60).

14. As to claims 12 and 20, Brunemann teaches the method as recited in claim 2, wherein the respective data processing unit on the user side includes at least one of: an engine management, an ABS system, an ELB system, an electronic stability program, a pneumatic suspension, a transmission-shift control, and a retard control (col.1, lines 14-45).

15. Claims 8 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brunemann et al, (Brunemann)** U.S. Paten No. **6,487,717** in view of **Suman et al, (Suman)** U.S. Patent No **5,717,387** and further in view of **Levy** U.S. Patent No. **6,493,676**.

16. As to claims 8 and 17, Brunemann also does not explicitly teach maintaining a power supply of the respective data processing unit on the user side for a pre-settable time after at least one of: i) switching off the ignition, and ii) withdrawing the ignition key of the motor vehicle.

Levy teaches a system and method for charging for vehicle parking through the use of mobile parking units. Each of the mobile units checks its location whenever the



vehicle is not moving and if the location coincides with a known parking area, a charge for parking is activated until the vehicle resumes traveling (col. 2, lines 11-27). The power delay unit maintains power to the mobile unit for as many hours as the timer was set for starting from the time the ignition switch is switched off (col. 11, lines 30-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Brunemann, Suman and Levy to use to be able to maintain a power supply of the processing unit for a pre-settable time after the ignition has been turned off because doing so will allow the data processing unit to have power.

### Response to Arguments

17. Applicant's arguments have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

### Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Shawki Ismail  
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May 14, 2007



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